IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.5169 OF 2007

Dated : March 26, 2007

Between:

B. Ponnaiah

Petitioner

AND

The Station House Officer,
Addateegala Police Station, Addateegala,
East Godavari District and another.

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO. 5169 OF 2007

ORAL ORDER: **(per THE HON'BLE MR. JUSTICE D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of two 'telegrams', dated 05.03.2007 and 08.03.2007, respectively, by one B.Ponnaiah, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that one T.Siva Kumar, T.Venkateswara Rao, sons of Seetharamanjaneyulu and one Mr. S. Prasad, S/o. Musalayya, were illegally arrested by the police Addateegala Police Station, East Godavari District, on 26.02.2007, and the petitioner apprehends danger to their lives.

3. In response to the notices, issued by this Court, the respondent No.1-Sub-Inspector of Police, Addateegala Police Station, East Godavari District, filed counter-affidavit stating, *inter alia*, that the alleged detenus are not required in any case by the Addateegala Police; that the alleged detenu Nos.1 and 3 are accused in Crime No.38 of 2007, for the offences punishable under Sections 386 and 506 read with Section 34 of the Indian Penal Code, registered by Yeleswaram Police Station; that they were produced before the Judicial Magistrate of First Class, Prathipadu, on 08.03.2007, who remanded them to judicial custody and that they are presently lodged in Central Prison, Rajahmundry. Insofar as the alleged detenu No.2 is concerned, it is stated that he is not required in any case and he has been moving freely. To this effect, the statement of the alleged detenu No.2, recorded by the Tahsildar, dated 19.03.2007, is filed, which shows that he was not detained by the police, at any point of time.

4. In view of the revelations in the counter affidavit, we do not see any justifiable ground to entertain the writ petition.

5. For the foregoing, the writ petition fails and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed, at the stage of admission. However, there shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE D.APPA RAO

26TH MARCH 2007
MAS/KRK